

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA

CRIMINAL NO. 3:15-cr-201-JAG

v.

DAVID WAYNE SCHNEIDER,

Defendant.

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR EARLY
TERMINATION OF SUPERVISED RELEASE**

The United States of America, through undersigned counsel, offers the following response to defendant David Wayne Schneider's motion for early termination of supervised release (ECF No. 39):

Schneider concedes in his motion that as of October 29, 2019, he still owed restitution in the amount of \$545,563.32. Experience has taught the undersigned that even defendants who express the best of intentions regarding restitution fail to make payments after their release from supervision. The reality is that they have very little motivation to make those payments without a possibility of a violation petition looming in the background. Once a defendant is released from supervision, the government is left with less effective collection mechanisms. The outstanding restitution balance **alone** is good reason to think long and hard before terminating Schneider's supervision.

Before agreeing to early termination of supervision, the government must, at a minimum, be satisfied that Schneider has done everything reasonably possible to satisfy his current outstanding restitution balance during the supervision period using all available assets and

sources of income, including application of funds from “anticipated or unexpected financial gains”. *See Judgment in a Criminal Case* (ECF No. 28) at 4. Accordingly, the government will request through Schneider’s counsel that Schneider undergo a debtor’s examination conducted by the Financial Litigation Unit of the U.S. Attorney’s Office.

The government will also inquire with United States Probation Officer Charles Moore, who is supervising Schneider, as to his position on Schneider’s early termination from supervision.

Upon receiving the probation officer’s recommendation and completion of a debtor’s examination, the government will provide the Court with its position on Schneider’s early termination from supervision.

Respectfully submitted,

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UNITED STATES ATTORNEY

By: _____/s/
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CERTIFICATE OF SERVICE

I certify that on December 9, 2019, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will send a copy to counsel of record.

/s/

Michael C. Moore
Assistant United States Attorney